

Applicant: Richard L. Adams
Serial No.: 10/613,408
Filing Date: July 3, 2003
Docket No.: ADM-001

REMARKS

Reconsideration and allowance are respectfully requested.

Before entry of this amendment, claims 1-20 were pending. In the Office Action, claims 1-2, 6-8, 10-17 and 19-20 were rejected, and claims 3-5, 9 and 18 were objected to. In the present amendment, claims 3-5, 9, 16 and 18-20 are amended. After entry of the amendment, claims 1-20 are pending.

I. Claims 3-5, 9 and 18

Claims 3-5, 9 and 18 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form. (See Office Action, p. 3, lines 1-3.) Applicant amends these claims to include all of the limitations of the base claims and any intervening claims. Withdrawal of the objection to claims 3-5, 9 and 18 is respectfully requested.

II. Claims 19 and 20

Claims 19 and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. (See Office Action, p. 2, lines 1-6.) The Examiner states that it is unclear whether claim 19 positively claims CD's. Claim 19 does not recite a compact disc; claim 19 recites a means for attaching a compact disc. Nevertheless, Applicant has amended claim 19 so as to remove any inference that claim 19 positively claims a compact disc. Withdrawal of the § 112 rejection is requested.

III. Claims 1-2, 6-8, 10-15 and 19-20

Claims 1-2, 6-8, 10-15 and 19-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kelly et al. (USP 6,766,910) (Office Action, p. 2, lines 13-15).

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A. Independent claim 1

Kelly does not form the basis for a valid rejection under § 102(b) because Kelly does not disclose all of the limitations of claim 1. Claim 1 recites, “a stack segment . . . ; a sheath, the sheath having a large pocket . . . ; and a connector, the connector having . . . a proximal end, . . . the proximal end connected to the stack segment.”

The Examiner states that claim 1 is “clearly anticipated by Kelly et al. 6,766,910. Note stack segment 32, sheath 28 having a large pocket, connector 12A, CD 40A, Shaft 16” (Office Action, p. 2, lines 14-15).

Kelly does not disclose a pocket. Moreover, Kelly does not disclose a connector. The Examiner points to an item labeled 12A as being a connector. Item 12A in Kelly, however, is a “flower” piece. Kelly states:

“Rack 10 is shown with a central axis 30 of rotation about which one or more ‘flower’ pieces 12A and 12B may be rotated.” (Kelly, col. 4, lines 1-3) (emphasis added)

“The components of storage rack 10 comprise one or more ‘flower pieces’ 12, a lower base 14, and one or more modular stem members 16 for supportively joining a flower piece 12 to another flower piece.” (Kelly, col. 4, lines 13-16)

The Examiner points to an item labeled 28 as being a sheath. Item 28 is not a sheath, but rather a lobe that “has an outer portion 36 and an inner portion 38. . . . As noted in FIG. 3, the axial projection of an inner portion 38 of lobe 28 is substantially entirely within the inner periphery 76 of the outer portion 36, and separated from it laterally” (Kelly, col. 5, lines 21-27).

Item 28 in Kelly is a part of flower piece 12. Flower piece 12 has only a central body and lobular member 28. Kelly states, “Each flower piece 12 has a central body 32 with disk-holding lobular members (lobes) 28 extending outwardly from the body.” (Kelly, col. 4, lines 37-39) Therefore, neither central

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body 32, nor lobular member 28, nor flower piece 12 itself is a connector having a proximal end that is connected to a stack segment.

In Kelly, there is no connector. Rather, an axial aperture of flower piece 12 connects to a stack segment. Kelly states, "Each stem member 16 is shown as a cylindrical shaft with a stop portion 24 of enlarged diameter for proper spacing upon insertion into the axial apertures 22 of the flower pieces 12." (Kelly, col. 4, lines 31-34) Thus, Kelly does not disclose a stack segment, a sheath, and a connector, wherein the distal end of the connector is connected to the sheath, and the proximal end of the connector is connected to the stack segment.

Because Kelly does not disclose all of the elements of claim 1, reconsideration of the § 102(b) rejection and allowance of claim 5 are requested.

B. Dependent claims 2, 6-8 and 10-15

Claims 2, 6-8 and 10-15 depend directly or indirectly from claim 1. Dependent claims 2, 6-8 and 10-15 are allowable for at least the same reasons for which claim 1 is allowable. Reconsideration of the § 102(b) rejection and allowance of claims 2, 6-8 and 10-15 are requested.

IV. Claims 16 and 17

Claims 16 and 17 are rejected under 35 U.S.C. §103(a) over a one-way combination of Kelly. (See Office Action, p. 2, lines 23-24).

A. Independent claim 16

Kelly does not form the basis for a valid rejection of claim 16 under §103(a), among other reasons, because Kelly does not disclose all of the limitations of claim 16. Claim 16, as amended, recites, "connecting a connector to the first stack segment, wherein the connector is connected to a sheath having a pocket that is approximately as large as a compact disc, and wherein the sheath is substantially orthogonal to the first axial core."

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Kelly discloses neither a pocket nor a connector. Therefore, Kelly also does not disclose connecting a connector to a stack segment. Kelly alone does not form the basis for a valid §103 rejection because Kelly does not disclose all of the elements of claim 16. Reconsideration and allowance of claim 16 are requested.

B. Dependent claim 17

Claim 17 is rejected under 35 U.S.C. §103(a) as being rendered obvious by Kelly. Claim 17 recites a shaft. Kelly does not disclose a shaft. Because Kelly does not disclose all of the elements of claim 17, Kelly alone does not form the basis of a valid §103(a) rejection of claim 17.

In addition, claim 17 depends from claim 16 and is allowable for at least the same reasons for which claim 16 is allowable. Reconsideration and allowance of claim 17 is requested.

V. Claims 19 and 20

Claims 19 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Kelly. (See Office Action, p. 2, lines 13-15).

A. Independent claim 19

Kelly does not form the basis for a valid rejection of claim 19 under §102(b) because Kelly does not disclose all of the limitations of claim 19, as amended. Claim 19 recites, "wherein said means comprises a connector adapted for attaching each of said plurality of compact discs orthogonal to said central axis."

Kelly does not disclose a connector. Because Kelly does not disclose all of the elements of claim 19, Kelly does not form the basis of a valid §102(b) rejection of claim 19. Reconsideration and allowance of claim 19 are requested.

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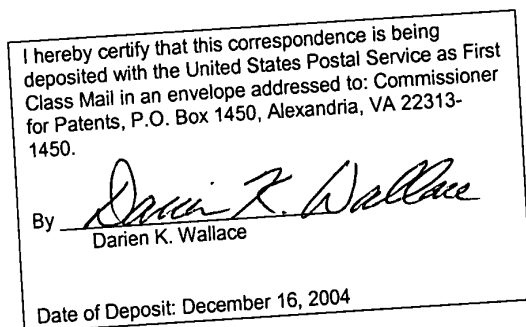
B. Dependent claim 20

Claim 20 recites a sheath. Kelly does not form the basis of a valid §102(b) rejection of claim 20 because Kelly does not disclose a sheath.

In addition, claim 20 depends from claim 19 and is allowable for at least the same reasons for which claim 19 is allowable. Reconsideration and allowance of claim 20 is requested.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that the entire application (claims 1-20 are pending) is in condition for allowance. Moreover, Applicant maintains that claims 1-20 are valid over art in addition to Kelly cited as the "prior art made of record." Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner would like to discuss any aspect of this application, the Examiner is requested to contact the undersigned at (925) 621-2121.



Respectfully submitted,

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